

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JEROMY OELKER,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE
OF NEVADA, et al.,

Respondents.

Case No. 2:23-cv-01731-GMN-BNW

**Order Denying Motion to Amend and
Denying Motion to Vacate Judgment**

(ECF Nos. 23, 25)

In November 2023, the Court dismissed this purported Habeas Corpus action filed by Jeromy Oelker, and Judgment was entered. (ECF Nos. 21, 22.) The Court identified several defects in the Petition, which was not filed on the Court-required form. (See LSR 3-1.) Oelker has now filed what he styled as a Motion to Amend. (ECF No. 23.) But this document is merely the first ten pages of the purported Petition he filed previously. (See ECF No. 17.) This Court has repeatedly explicitly explained the form requirements for a federal habeas petition to Oelker. See Case No. 2:23-cv-01542-ART-EJY. As the Court previously explained, if Oelker wishes to pursue a federal habeas petition, he must initiate a new action (he should not put the case number of this case on documents submitted to initiate a new action); he must either pay the \$5 filing fee or submit a fully completed Application to Proceed *In Forma Pauperis* on the correct form; he must submit a Petition for Writ of Habeas Corpus in compliance with LSR 3-1 with respect to the form of the Petition; and his Petition must be fully completed and legible.

1 Oelker has also filed a Motion to Vacate Judgment. (ECF No. 25.) Rule 60(b)
2 entitles the moving party to relief from judgment on several grounds, including the
3 catch-all category “any other reason justifying relief from the operation of the judgment.”
4 Fed.R.Civ.P. 60(b)(6). A motion under subsections (b)(4-6) must be brought “within a
5 reasonable time.” Fed.R.Civ.P. 60(c)(1). While Oelker styles his motion as brought
6 under Rule 60(b), the relief he seeks is that this Court vacate his state-court judgment.
7 This Court has no jurisdiction over Oelker’s state proceedings, and he has presented no
8 basis for this Court to reconsider its dismissal of his federal Petition. The Motion is
9 denied.

10 It is therefore ordered that Petitioner’s Motion to Amend **(ECF No. 23) is**
11 **DENIED.**

12 It is further ordered that Petitioner’s Motion to Vacate Judgment **(ECF No. 25) is**
13 **DENIED.**

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16 DATED: 22 April 2024.

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20 GLORIA M. NAVARRO
21 UNITED STATES DISTRICT JUDGE
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